

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ESTATE OF PATRICIA	:	
METZERMACHER BY MICHAEL	:	
METZERMACHER et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL NO. 3:05CV1964 (JBA)
	:	
NATIONAL RAILROAD PASSENGER	:	
CORPORATION a/k/a AMTRAK,	:	
et al.,	:	
	:	
Defendants.	:	

RULING ON PLAINTIFFS' MOTION TO COMPEL

Pending before the court is the plaintiffs' motion to compel. (Doc. #327.) After considering the arguments made by counsel in their briefs and during oral argument, the court rules as follows:

1. The plaintiffs first move to compel the defendant Amtrak to provide all documents responsive to their requests for engineering plans, drawings and specifications relating to the four quadrant gate crossing system installed at the Miner Lane crossing. These documents are responsive to production requests 2, 6, 7 and 10 served on June 6, 2007. The defendant's objections are overruled and the plaintiffs' motion is granted. The defendant shall make immediate production of all responsive documents and shall so state under oath. See D. Conn. L. Civ. R. 37(a).

2. The plaintiffs move to compel the defendant Amtrak to provide all documents responsive to plaintiffs' supplemental requests for production 1 and 2 served July 23, 2008. The

defendant's objections are overruled and the plaintiffs' motion is granted. The defendant shall make immediate production of all responsive documents and shall so state under oath.

3. The plaintiffs move to compel the defendant Amtrak to produce all documents responsive to the plaintiffs' request for production 1 served August 1, 2008. The defendant's objections are overruled and the plaintiffs' motion is granted. If the defendant either does not have any responsive documents or has produced all the documents that it has, it should so state under oath.

4. Finally, the plaintiffs request that they be awarded the costs incurred in making the motion pursuant to Fed. R. Civ. P. 37(a)(5). The plaintiffs' request is granted. Counsel shall meet and confer in a good faith effort to resolve the amount of fees. If counsel are unable to come to an agreement, then by December 15, 2008 plaintiffs' counsel may submit an affidavit reflecting costs and fees incurred in making the motion.

SO ORDERED at Hartford, Connecticut this 13th day of November, 2008.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge